

MODIFICATION OF AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Clean Water Act as amended, (33 U.S.C. §§ 1251 et seq.; "CWA"), and the Massachusetts Clean Waters Act, as amended, (M.G.L. Chap. 21, §§ 26-53),

**City of Marlborough
Department of Public Works**

is authorized to discharge from the facility located at:

**Marlborough Easterly Wastewater Treatment Facility ("Facility")
860 Boston Post Road
Marlborough, Massachusetts 01752**

to an unnamed tributary to Hop Brook in accordance with effluent limitations, monitoring requirements and other conditions set forth in the permit issued on September 14, 2004, except as set forth herein and listed as follows:

Page 6 and 7. Part I.A.1, Footnote No. 6

Page 13. Compliance Schedule

This permit modification shall become effective on **. ¹

This permit modification and the authorization to discharge expires at midnight, January 16, 2010.

Signed this day of

Linda M. Murphy
Director
Office of Ecosystem Protection
Environmental Protection Agency
Boston, MA

Glenn Haas
Director
Division of Watershed Management
Department Environmental Protection
Commonwealth of Massachusetts
Boston, MA

¹ This permit modification shall become effective on the date of signature if no comments are received during public notice. If comments are received during public notice, this permit modification will become effective no sooner than 30 days after signature.

Footnotes for Conditions I.A.1 and I.A.2:

6. The 0.1 mg/l limit is a 60 day rolling average limit and applies for the period of April through October. The 60 day average value for each day in a given month, beginning on the 60th day after April 1, must be calculated and the highest 60 day average value for that month must be reported on the monthly discharge monitoring report (DMR). In addition, the maximum daily value must be reported for each month. For the months of April and May, the 30 day average value shall be reported as a report only requirement.

The Permittee shall comply with the 0.1 mg/l limit in accordance with the schedule contained in Section E below. Upon the effective date of the permit modification, and until the date specified in Section E below for compliance with the limit of 0.1 mg/l, an interim 60 day rolling average total phosphorus limit of 0.5 mg/l shall be met for the period of April through October. Consistent with Section B.1 of Part II of the Permit, the Permittee shall properly operate and maintain the phosphorus removal facilities to obtain the lowest effluent concentration possible.

The 0.75 mg/l limit is a monthly average limit and applies for the period of November through March. The monthly average and maximum daily values shall be reported on each month's DMR report.

E. COMPLIANCE SCHEDULE

1. The Permittee and other interested parties are voluntarily participating in a feasibility study funded by MassDEP and conducted by the U.S. Army Corps of Engineers ("Corps") that will develop and evaluate effective and feasible alternative plans, and will present recommended options from among the alternative plans, to ensure compliance with water quality standards with respect to phosphorus in the Hop Brook ("Feasibility Study"). EPA and MassDEP will determine which recommended options, if any, will ensure compliance with water quality standards when implemented in combination with the total phosphorus effluent discharge limit contained in this permit ("Approved Options"). The Permittee shall review and comment on drafts of the Feasibility Study in a timely manner. EPA and MassDEP expect that the Feasibility Study will be completed by the Corps by April 2007.
2. The Permittee, the Town of Sudbury, and MassDEP will negotiate and enter into a Memorandum of Understanding ("MOU"). The MOU shall provide that the parties to the MOU will collaborate to develop a strategy and action plan concerning the implementation of the nonpoint source reductions associated with the Approved Option(s). The MOU shall not, however, create any legal rights or impose legal obligations on any party, or obligate the Permittee or any other party to take any actions concerning implementation of the Approved Option(s).
3. Within twelve (12) months of the effective date of the permit modification, the Permittee shall initiate planning of the Facility improvements required to achieve the total phosphorus effluent discharge limits originally set forth in this permit and submit a status report in connection thereto.

4. Within twenty-four (24) months of the effective date of the permit modification, the Permittee shall initiate design of the Facility improvements required to achieve the total phosphorus effluent discharge limits originally set forth in this permit and submit a status report in connection thereto.
5. Within thirty-six (36) months of the effective date of the permit modification, the Permittee shall submit to EPA and MassDEP a status report relative to design of the Facility improvements required to achieve the total phosphorus effluent discharge limits originally set forth in this permit.
6. Within forty-two (42) months of the effective date of the permit modification, the Permittee shall complete planning and design of the Facility improvements required to achieve the total phosphorus effluent discharge limits originally set forth in this permit. Design of the Facility improvements shall, to the extent practicable and to the extent approved by MassDEP, be consistent with the Approved Option(s).
7. Within forty-eight (48) months of the effective date of the permit modification, the Permittee shall initiate construction of the Facility improvements required to achieve the total phosphorus effluent discharge limits originally set forth in this permit.
8. Within sixty months (60) months of the effective date of the permit modification, the Permittee shall submit to EPA and MassDEP an initial status report relative to construction of the Facility improvements required to achieve the total phosphorus effluent discharge limits originally set forth in this permit.
9. Within seventy-two (72) months of the effective date of the permit modification, the Permittee shall submit to EPA and MassDEP a second status report relative to construction of the Facility improvements required to achieve the total effluent discharge phosphorus limits originally set forth in this permit.
10. Within seventy-eight (78) months of the effective date of the permit modification, the Permittee shall complete construction of the Facility improvements required to achieve the total phosphorus effluent discharge limits originally set forth in this permit and achieve such limits.
11. EPA shall reopen the permit prior to its expiration on January 16, 2010 and either modify or revoke and reissue the permit to include such limits and conditions (including a schedule of compliance) that are necessary to ensure compliance with water quality standards if EPA and MassDEP determine that the nonpoint source phosphorus reductions associated with selected Approved Option(s) have not been assured by October 1, 2009, either through voluntary agreements or activities and/or binding action or requirement of any governmental, regulatory or administrative body, agency or authority, or otherwise. Actual implementation of nonpoint source reductions by the reopener date is not required to demonstrate assurance.